

ASSEMBLY BILL

No. 1900

Introduced by Assembly Member Lieu

January 25, 2006

An act to amend Section 290 and 290.95 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1900, as introduced, Lieu. Sex offenders: registration.

Existing law requires that persons convicted of certain sex-related offenses register with designated local officials in the county of their residence upon release from custody.

This bill would add murder committed in the perpetration or attempted perpetration of specified sex-crimes to the list of offenses that requires registration. This bill would also add conspiracy to commit or aiding and abetting the commission of any of the listed offenses.

Existing law provides that persons who have a duty to register as a sex offender in a out-of-state jurisdiction must register as a sex offender in this state. Existing law provides exceptions to this requirement unless the out-of-state offense contains all the elements of the similar offense under California law.

This bill would add pimping and pandering to the excepted offenses.

Existing law provides that a person who is a registered sex offender must reregister whenever he or she has been incarcerated and released from custody.

This bill instead would provide that the person must reregister if he or she was in custody over 30 days.

Existing law prohibits a person who is required to register as a sex offender for a crime where the victim was a minor under 16 years of age from being an employee or volunteer with any person, group or

organization where the person would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children.

This bill would add employers to this prohibition.

Because this bill would increase and decrease sex offender registration requirements it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 290 of the Penal Code, as amended by
2 Chapter 722 of the Statutes of 2005, is amended to read:

3 290. (a) (1) (A) Every person described in paragraph (2), for
4 the rest of his or her life while residing in California, or while
5 attending school or working in California, as described in
6 subparagraph (G), shall be required to register with the chief of
7 police of the city in which he or she is residing, or the sheriff of
8 the county if he or she is residing in an unincorporated area or city
9 that has no police department, and, additionally, with the chief of
10 police of a campus of the University of California, the California
11 State University, or community college if he or she is residing
12 upon the campus or in any of its facilities, within five working
13 days of coming into, or changing his or her residence within, any
14 city, county, or city and county, or campus in which he or she
15 temporarily resides.

16 (B) If the person who is registering has more than one residence
17 address at which he or she regularly resides, he or she shall register
18 in accordance with subparagraph (A) in each of the jurisdictions
19 in which he or she regularly resides, regardless of the number of
20 days or nights spent there. If all of the addresses are within the
21 same jurisdiction, the person shall provide the registering authority
22 with all of the addresses where he or she regularly resides.

1 (C) Every person described in paragraph (2), for the rest of his
2 or her life while living as a transient in California shall be required
3 to register, as follows:

4 (i) A transient must register, or reregister if the person has
5 previously registered, within five working days from release from
6 incarceration, placement or commitment, or release on probation,
7 pursuant to paragraph (1) of subdivision (a), except that if the
8 person previously registered as a transient less than 30 days from
9 the date of his or her release from incarceration, he or she does
10 not need to reregister as a transient until his or her next required
11 30-day update of registration. If a transient is not physically present
12 in any one jurisdiction for five consecutive working days, he or
13 she must register in the jurisdiction in which he or she is physically
14 present on the fifth working day following release, pursuant to
15 paragraph (1) of subdivision (a). Beginning on or before the 30th
16 day following initial registration upon release, a transient must
17 reregister no less than once every 30 days thereafter. A transient
18 shall register with the chief of police of the city in which he or she
19 is physically present within that 30-day period, or the sheriff of
20 the county if he or she is physically present in an unincorporated
21 area or city that has no police department, and additionally, with
22 the chief of police of a campus of the University of California, the
23 California State University, or community college if he or she is
24 physically present upon the campus or in any of its facilities. A
25 transient must reregister no less than once every 30 days regardless
26 of the length of time he or she has been physically present in the
27 particular jurisdiction in which he or she reregisters. If a transient
28 fails to reregister within any 30-day period, he or she may be
29 prosecuted in any jurisdiction in which he or she is physically
30 present.

31 (ii) A transient who moves to a residence shall have five working
32 days within which to register at that address, in accordance with
33 subparagraph (A) of paragraph (1) of subdivision (a). A person
34 registered at a residence address in accordance with subparagraph
35 (A) of paragraph (1) of subdivision (a), who becomes transient
36 shall have five working days within which to reregister as a
37 transient in accordance with clause (i).

38 (iii) Beginning on his or her first birthday following registration,
39 a transient shall register annually, within five working days of his
40 or her birthday, to update his or her registration with the entities

1 described in clause (i). A transient shall register in whichever
2 jurisdiction he or she is physically present on that date. At the
3 30-day updates and the annual update, a transient shall provide
4 current information as required on the Department of Justice annual
5 update form, including the information described in subparagraphs
6 (A) to (C), inclusive, of paragraph (2) of subdivision (e), and the
7 information specified in clause (iv).

8 (iv) A transient shall, upon registration and reregistration,
9 provide current information as required on the Department of
10 Justice registration forms, and shall also list the places where he
11 or she sleeps, eats, works, frequents, and engages in leisure
12 activities. If a transient changes or adds to the places listed on the
13 form during the 30-day period, he or she does not need to report
14 the new place or places until the next required reregistration.

15 (v) Failure to comply with the requirement of reregistering every
16 30 days following initial registration pursuant to clause (i) of this
17 subparagraph shall be punished in accordance with paragraph (6)
18 of subdivision (g). Failure to comply with any other requirement
19 of this section shall be punished in accordance with either
20 paragraph (1) or (2) of subdivision (g).

21 (vi) A transient who moves out of state shall inform, in person,
22 the chief of police in the city in which he or she is physically
23 present, or the sheriff of the county if he or she is physically present
24 in an unincorporated area or city that has no police department,
25 within five working days, of his or her move out of state. The
26 transient shall inform that registering agency of his or her planned
27 destination, residence or transient location out of state, and any
28 plans he or she has to return to California, if known. The law
29 enforcement agency shall, within three days after receipt of this
30 information, forward a copy of the change of location information
31 to the Department of Justice. The department shall forward
32 appropriate registration data to the law enforcement agency having
33 local jurisdiction of the new place of residence or location.

34 (vii) For purposes of this section, “transient” means a person
35 who has no residence. “Residence” means one or more addresses
36 at which a person regularly resides, regardless of the number of
37 days or nights spent there, such as a shelter or structure that can
38 be located by a street address, including, but not limited to, houses,
39 apartment buildings, motels, hotels, homeless shelters, and
40 recreational and other vehicles.

1 (viii) The transient registrant's duty to update his or her
2 registration no less than every 30 days shall begin with his or her
3 second transient update following the date this subdivision became
4 effective.

5 (D) Beginning on his or her first birthday following registration
6 or change of address, the person shall be required to register
7 annually, within five working days of his or her birthday, to update
8 his or her registration with the entities described in subparagraph
9 (A). At the annual update, the person shall provide current
10 information as required on the Department of Justice annual update
11 form, including the information described in subparagraphs (A)
12 to (C), inclusive, of paragraph (2) of subdivision (e).

13 (E) In addition, every person who has ever been adjudicated a
14 sexually violent predator, as defined in Section 6600 of the Welfare
15 and Institutions Code, shall, after his or her release from custody,
16 verify his or her address no less than once every 90 days and place
17 of employment, including the name and address of the employer,
18 in a manner established by the Department of Justice.

19 (F) No entity shall require a person to pay a fee to register or
20 update his or her registration pursuant to this section. The
21 registering agency shall submit registrations, including annual
22 updates or changes of address, directly into the Department of
23 Justice Violent Crime Information Network (VCIN).

24 (G) Persons required to register in their state of residence who
25 are out-of-state residents employed, or carrying on a vocation in
26 California on a full-time or part-time basis, with or without
27 compensation, for more than 14 days, or for an aggregate period
28 exceeding 30 days in a calendar year, shall register in accordance
29 with subparagraph (A). Persons described in paragraph (2) who
30 are out-of-state residents enrolled in any educational institution in
31 California, as defined in Section 22129 of the Education Code, on
32 a full-time or part-time basis, shall register in accordance with
33 subparagraph (A). The place where the out-of-state resident is
34 located, for purposes of registration, shall be the place where the
35 person is employed, carrying on a vocation, or attending school.
36 The out-of-state resident subject to this subparagraph shall, in
37 addition to the information required pursuant to subdivision (e),
38 provide the registering authority with the name of his or her place
39 of employment or the name of the school attended in California,
40 and his or her address or location in his or her state of residence.

1 The registration requirement for persons subject to this
2 subparagraph shall become operative on November 25, 2000. The
3 terms “employed or carries on a vocation” include employment
4 whether or not financially compensated, volunteered, or performed
5 for government or educational benefit.

6 (2) The following persons shall be required to register pursuant
7 to paragraph (1):

8 (A) Any person who, since July 1, 1944, has been or is hereafter
9 convicted in any court in this state or in any federal or military
10 court of a violation of *Section 189 committed in the perpetration,*
11 *or an attempt to perpetrate, rape or any act punishable under*
12 *Section 286, 288, 288a, or 289, Section 207 or 209 committed*
13 *with intent to violate Section 261, 286, 288, 288a, or 289, Section*
14 *220, except assault to commit mayhem, Section 243.4, paragraph*
15 *(1), (2), (3), (4), or (6) of subdivision (a) of Section 261, or*
16 *paragraph (1) of subdivision (a) of Section 262 involving the use*
17 *of force or violence for which the person is sentenced to the state*
18 *prison, Section 264.1, 266, or 266c, subdivision (b) of Section*
19 *266h, subdivision (b) of Section 266i, Section 266j, 267, 269, 285,*
20 *286, 288, 288a, 288.5, or 289, Section 311.1, subdivision (b), (c),*
21 *or (d) of Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or*
22 *647.6, former Section 647a, subdivision (c) of Section 653f,*
23 *subdivision 1 or 2 of Section 314, any offense involving lewd or*
24 *lascivious conduct under Section 272, or any felony violation of*
25 *Section 288.2; or any statutory predecessor that includes all*
26 *elements of one of the above-mentioned offenses; or any person*
27 *who since that date has been or is hereafter convicted of the attempt*
28 *or conspiracy to commit any of the above-mentioned offenses or*
29 *aiding or abetting any of the above-mentioned offenses.*

30 (B) Any person who, since July 1, 1944, has been or hereafter
31 is released, discharged, or paroled from a penal institution where
32 he or she was confined because of the commission or attempted
33 commission of one of the offenses described in subparagraph (A).

34 (C) Any person who, since July 1, 1944, has been or hereafter
35 is determined to be a mentally disordered sex offender under
36 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2
37 of Division 6 of the Welfare and Institutions Code or any person
38 who has been found guilty in the guilt phase of a trial for an offense
39 for which registration is required by this section but who has been

1 found not guilty by reason of insanity in the sanity phase of the
2 trial.

3 (D) (i) Any person who, since July 1, 1944, has been, or is
4 hereafter convicted in any other court, including any state, federal,
5 or military court, of any offense that, if committed or attempted
6 in this state, would have been punishable as one or more of the
7 offenses described in subparagraph (A).

8 (ii) Any person ordered by any other court, including any state,
9 federal, or military court, to register as a sex offender for any
10 offense, if the court found at the time of conviction or sentencing
11 that the person committed the offense as a result of sexual
12 compulsion or for purposes of sexual gratification.

13 (iii) Except as provided in clause (iv), any person who would
14 be required to register while residing in the state of conviction for
15 a sex offense committed in that state.

16 (iv) Clause (iii) shall not apply to a person required to register
17 in the state of conviction if the conviction was for the equivalent
18 of one of the following offenses, and the person is not subject to
19 clause (i):

20 (I) Indecent exposure, pursuant to Section 314.

21 (II) Unlawful sexual intercourse, pursuant to Section 261.5.

22 (III) Incest, pursuant to Section 285.

23 (IV) Sodomy, pursuant to Section 286, or oral copulation,
24 pursuant to Section 288a, provided that the offender notifies the
25 Department of Justice that the sodomy or oral copulation conviction
26 was for conduct between consenting adults, as described in
27 subparagraph (F) of paragraph (2) of subdivision (a), and the
28 department is able, upon the exercise of reasonable diligence, to
29 verify that fact.

30 (V) *Pimping pursuant to subdivision (b) of Section 266h, or*
31 *pandering, pursuant to subdivision (b) of Section 266i.*

32 (E) Any person ordered by any court to register pursuant to this
33 section for any offense not included specifically in this section if
34 the court finds at the time of conviction or sentencing that the
35 person committed the offense as a result of sexual compulsion or
36 for purposes of sexual gratification. The court shall state on the
37 record the reasons for its findings and the reasons for requiring
38 registration.

39 (F) Any person required to register pursuant to any provision
40 of this section, regardless of whether the person's conviction has

1 been dismissed pursuant to Section 1203.4, unless the person
2 obtains a certificate of rehabilitation and is entitled to relief from
3 registration pursuant to Section 290.5.

4 (G) (i) Notwithstanding any other subdivision, a person who
5 was convicted before January 1, 1976, under subdivision (a) of
6 Section 286, or Section 288a, shall not be required to register
7 pursuant to this section for that conviction if the conviction was
8 for conduct between consenting adults that was decriminalized by
9 Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes
10 of 1976. The Department of Justice shall remove that person from
11 the Sex Offender Registry, and the person is discharged from his
12 or her duty to register pursuant to the following procedure:

13 (I) The person submits to the Department of Justice official
14 documentary evidence, including court records or police reports,
15 that demonstrate that the person's conviction pursuant to either of
16 those sections was for conduct between consenting adults that was
17 decriminalized; or

18 (II) The person submits to the department a declaration stating
19 that the person's conviction pursuant to either of those sections
20 was for consensual conduct between adults that has been
21 decriminalized. The declaration shall be confidential and not a
22 public record, and shall include the person's name, address,
23 telephone number, date of birth, and a summary of the
24 circumstances leading to the conviction, including the date of the
25 conviction and county of the occurrence.

26 (III) The department shall determine whether the person's
27 conviction was for conduct between consensual adults that has
28 been decriminalized. If the conviction was for consensual conduct
29 between adults that has been decriminalized, and the person has
30 no other offenses for which he or she is required to register
31 pursuant to this section, the department shall, within 60 days of
32 receipt of those documents, notify the person that he or she is
33 relieved of the duty to register, and shall notify the local law
34 enforcement agency with which the person is registered that he or
35 she has been relieved of the duty to register. The local law
36 enforcement agency shall remove the person's registration from
37 its files within 30 days of receipt of notification. If the documentary
38 or other evidence submitted is insufficient to establish the person's
39 claim, the department shall, within 60 days of receipt of those
40 documents, notify the person that his or her claim cannot be

1 established, and that the person shall continue to register pursuant
2 to this section. The department shall provide, upon the person's
3 request, any information relied upon by the department in making
4 its determination that the person shall continue to register pursuant
5 to this section. Any person whose claim has been denied by the
6 department pursuant to this clause may petition the court to appeal
7 the department's denial of the person's claim.

8 (ii) On or before July 1, 1998, the department shall make a report
9 to the Legislature concerning the status of persons who may come
10 under the provisions of this subparagraph, including the number
11 of persons who were convicted before January 1, 1976, under
12 subdivision (a) of Section 286 or Section 288a and are required to
13 register under this section, the average age of these persons, the
14 number of these persons who have any subsequent convictions for
15 a registerable sex offense, and the number of these persons who
16 have sought successfully or unsuccessfully to be relieved of their
17 duty to register under this section.

18 (b) (1) Any person who is released, discharged, or paroled from
19 a jail, state or federal prison, school, road camp, or other institution
20 where he or she was confined because of the commission or
21 attempted commission of one of the offenses specified in
22 subdivision (a) or is released from a state hospital to which he or
23 she was committed as a mentally disordered sex offender under
24 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2
25 of Division 6 of the Welfare and Institutions Code, shall, prior to
26 discharge, parole, or release, be informed of his or her duty to
27 register under this section by the official in charge of the place of
28 confinement or hospital, and the official shall require the person
29 to read and sign any form that may be required by the Department
30 of Justice, stating that the duty of the person to register under this
31 section has been explained to the person. The official in charge of
32 the place of confinement or hospital shall obtain the address where
33 the person expects to reside upon his or her discharge, parole, or
34 release and shall report the address to the Department of Justice.
35 The official shall at the same time forward a current photograph
36 of the person to the Department of Justice.

37 (2) The official in charge of the place of confinement or hospital
38 shall give one copy of the form to the person and shall send one
39 copy to the Department of Justice and one copy to the appropriate
40 law enforcement agency or agencies having jurisdiction over the

1 place the person expects to reside upon discharge, parole, or
2 release. If the conviction that makes the person subject to this
3 section is a felony conviction, the official in charge shall, not later
4 than 45 days prior to the scheduled release of the person, send one
5 copy to the appropriate law enforcement agency or agencies having
6 local jurisdiction where the person expects to reside upon
7 discharge, parole, or release; one copy to the prosecuting agency
8 that prosecuted the person; and one copy to the Department of
9 Justice. The official in charge of the place of confinement or
10 hospital shall retain one copy.

11 (c) (1) Any person who is convicted in this state of the
12 commission or attempted commission of any of the offenses
13 specified in subdivision (a) and who is released on probation, shall,
14 prior to release or discharge, be informed of the duty to register
15 under this section by the probation department, and a probation
16 officer shall require the person to read and sign any form that may
17 be required by the Department of Justice, stating that the duty of
18 the person to register under this section has been explained to him
19 or her. The probation officer shall obtain the address where the
20 person expects to reside upon release or discharge and shall report
21 within three days the address to the Department of Justice. The
22 probation officer shall give one copy of the form to the person,
23 send one copy to the Department of Justice, and forward one copy
24 to the appropriate law enforcement agency or agencies having
25 local jurisdiction where the person expects to reside upon his or
26 her discharge, parole, or release.

27 (2) Any person who is convicted in this state of the commission
28 or attempted commission of any of the offenses specified in
29 subdivision (a) and who is granted conditional release without
30 supervised probation, or discharged upon payment of a fine, shall,
31 prior to release or discharge, be informed of the duty to register
32 under this section in open court by the court in which the person
33 has been convicted, and the court shall require the person to read
34 and sign any form that may be required by the Department of
35 Justice, stating that the duty of the person to register under this
36 section has been explained to him or her. If the court finds that it
37 is in the interest of the efficiency of the court, the court may assign
38 the bailiff to require the person to read and sign forms under this
39 section. The court shall obtain the address where the person expects
40 to reside upon release or discharge and shall report within three

1 days the address to the Department of Justice. The court shall give
2 one copy of the form to the person, send one copy to the
3 Department of Justice, and forward one copy to the appropriate
4 law enforcement agency or agencies having local jurisdiction where
5 the person expects to reside upon his or her discharge, parole, or
6 release.

7 (d) (1) Any person who, on or after January 1, 1986, is
8 discharged or paroled from the Department of the Youth Authority
9 to the custody of which he or she was committed after having been
10 adjudicated a ward of the juvenile court pursuant to Section 602
11 of the Welfare and Institutions Code because of the commission
12 or attempted commission of any offense described in paragraph
13 (3) shall be subject to registration under the procedures of this
14 section.

15 (2) Any person who is discharged or paroled from a facility in
16 another state that is equivalent to the Department of the Youth
17 Authority, to the custody of which he or she was committed
18 because of an offense which, if committed or attempted in this
19 state, would have been punishable as one or more of the offenses
20 described in paragraph (3), shall be subject to registration under
21 the procedures of this section.

22 (3) Any person described in this subdivision who committed
23 an offense in violation of any of the following provisions shall be
24 required to register pursuant to this section:

25 (A) Assault with intent to commit rape, sodomy, oral copulation,
26 or any violation of Section 264.1, 288, or 289 under Section 220.

27 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of
28 subdivision (a) of Section 261, Section 264.1, 266c, or 267,
29 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,
30 Section 286, Section 288 or 288.5, paragraph (1) of subdivision
31 (b) of, or subdivision (c) or (d) of, Section 288a, subdivision (a)
32 of Section 289, or Section 647.6.

33 (C) A violation of Section 207 or 209 committed with the intent
34 to violate Section 261, 286, 288, 288a, or 289.

35 (4) Prior to discharge or parole from the Department of the
36 Youth Authority, any person who is subject to registration under
37 this subdivision shall be informed of the duty to register under the
38 procedures set forth in this section. Department of the Youth
39 Authority officials shall transmit the required forms and
40 information to the Department of Justice.

(5) All records specifically relating to the registration in the custody of the Department of Justice, law enforcement agencies, and other agencies or public officials shall be destroyed when the person who is required to register has his or her records sealed under the procedures set forth in Section 781 of the Welfare and Institutions Code. This subdivision shall not be construed as requiring the destruction of other criminal offender or juvenile records relating to the case that are maintained by the Department of Justice, law enforcement agencies, the juvenile court, or other agencies and public officials unless ordered by a court under Section 781 of the Welfare and Institutions Code.

(e) (1) On or after January 1, 1998, upon incarceration, placement, or commitment, or prior to release on probation, any person who is required to register under this section shall preregister. The preregistering official shall be the admitting officer at the place of incarceration, placement, or commitment, or the probation officer if the person is to be released on probation. The preregistration shall consist of all of the following:

(A) A preregistration statement in writing, signed by the person, giving information that shall be required by the Department of Justice.

(B) The fingerprints and a current photograph of the person.

(C) Any person who is preregistered pursuant to this subdivision is required to be preregistered only once.

(2) A person described in paragraph (2) of subdivision (a) shall register, ~~or reregister if the person has previously registered,~~ upon release from incarceration, placement, commitment, or release on probation pursuant to paragraph (1) of subdivision (a). *If the person has previously registered and is subsequently released from any incarceration, placement or commitment lasting over 30 days, he or she must reregister pursuant to paragraph (1) of subdivision (a).* The registration shall consist of all of the following:

(A) A statement in writing signed by the person, giving information as shall be required by the Department of Justice and giving the name and address of the person's employer, and the address of the person's place of employment if that is different from the employer's main address.

(B) The fingerprints and a current photograph of the person taken by the registering official.

1 (C) The license plate number of any vehicle owned by, regularly
2 driven by, or registered in the name of the person.

3 (D) Notice to the person that, in addition to the requirements of
4 paragraph (4), he or she may have a duty to register in any other
5 state where he or she may relocate.

6 (E) Copies of adequate proof of residence, which shall be limited
7 to a California driver's license, California identification card, recent
8 rent or utility receipt, printed personalized checks or other recent
9 banking documents showing that person's name and address, or
10 any other information that the registering official believes is
11 reliable. If the person has no residence and no reasonable
12 expectation of obtaining a residence in the foreseeable future, the
13 person shall so advise the registering official and shall sign a
14 statement provided by the registering official stating that fact.
15 Upon presentation of proof of residence to the registering official
16 or a signed statement that the person has no residence, the person
17 shall be allowed to register. If the person claims that he or she has
18 a residence but does not have any proof of residence, he or she
19 shall be allowed to register but shall furnish proof of residence
20 within 30 days of the date he or she is allowed to register.

21 (3) Within three days thereafter, the preregistering official or
22 the registering law enforcement agency or agencies shall forward
23 the statement, fingerprints, photograph, and vehicle license plate
24 number, if any, to the Department of Justice.

25 (f) (1) (A) Any person who was last registered at a residence
26 address pursuant to this section who changes his or her residence
27 address, whether within the jurisdiction in which he or she is
28 currently registered or to a new jurisdiction inside or outside the
29 state, shall, in person, within five working days of the move, inform
30 the law enforcement agency or agencies with which he or she last
31 registered of the move, the new address or transient location, if
32 known, and any plans he or she has to return to California.

33 (B) If the person does not know the new residence address or
34 location at the time of the move, the registrant shall, in person,
35 within five working days of the move, inform the last registering
36 agency or agencies that he or she is moving. The person shall later
37 notify the last registering agency or agencies, in writing, sent by
38 certified or registered mail, of the new address or location within
39 five working days of moving into the new residence address or
40 location, whether temporary or permanent.

1 (C) The law enforcement agency or agencies shall, within three
2 working days after receipt of this information, forward a copy of
3 the change of address information to the Department of Justice.
4 The Department of Justice shall forward appropriate registration
5 data to the law enforcement agency or agencies having local
6 jurisdiction of the new place of residence .

7 (2) If the person's new address is in a Department of the Youth
8 Authority facility or a state prison or state mental institution, an
9 official of the place of incarceration, placement, or commitment
10 shall, within 90 days of receipt of the person, forward the
11 registrant's change of address information to the Department of
12 Justice. The agency need not provide a physical address for the
13 registrant but shall indicate that he or she is serving a period of
14 incarceration or commitment in a facility under the agency's
15 jurisdiction. This paragraph shall apply to persons received in a
16 Department of the Youth Authority facility or a state prison or
17 state mental institution on or after January 1, 1999. The Department
18 of Justice shall forward the change of address information to the
19 agency with which the person last registered.

20 (3) If any person who is required to register pursuant to this
21 section changes his or her name, the person shall inform, in person,
22 the law enforcement agency or agencies with which he or she is
23 currently registered within five working days. The law enforcement
24 agency or agencies shall forward a copy of this information to the
25 Department of Justice within three working days of its receipt.

26 (g) (1) Any person who is required to register under this section
27 based on a misdemeanor conviction or juvenile adjudication who
28 willfully violates any requirement of this section is guilty of a
29 misdemeanor punishable by imprisonment in a county jail not
30 exceeding one year.

31 (2) Except as provided in paragraphs (5), (7), and (9), any person
32 who is required to register under this section based on a felony
33 conviction or juvenile adjudication who willfully violates any
34 requirement of this section or who has a prior conviction or juvenile
35 adjudication for the offense of failing to register under this section
36 and who subsequently and willfully violates any requirement of
37 this section is guilty of a felony and shall be punished by
38 imprisonment in the state prison for 16 months, or two or three
39 years.

1 If probation is granted or if the imposition or execution of
2 sentence is suspended, it shall be a condition of the probation or
3 suspension that the person serve at least 90 days in a county jail.
4 The penalty described in this paragraph shall apply whether or not
5 the person has been released on parole or has been discharged from
6 parole.

7 (3) Any person determined to be a mentally disordered sex
8 offender or who has been found guilty in the guilt phase of trial
9 for an offense for which registration is required under this section,
10 but who has been found not guilty by reason of insanity in the
11 sanity phase of the trial, or who has had a petition sustained in a
12 juvenile adjudication for an offense for which registration is
13 required under this section pursuant to subdivision (d), but who
14 has been found not guilty by reason of insanity, who willfully
15 violates any requirement of this section is guilty of a misdemeanor
16 and shall be punished by imprisonment in a county jail not
17 exceeding one year. For any second or subsequent willful violation
18 of any requirement of this section, the person is guilty of a felony
19 and shall be punished by imprisonment in the state prison for 16
20 months, or two or three years.

21 (4) If, after discharge from parole, the person is convicted of a
22 felony or suffers a juvenile adjudication as specified in this
23 subdivision, he or she shall be required to complete parole of at
24 least one year, in addition to any other punishment imposed under
25 this subdivision. A person convicted of a felony as specified in
26 this subdivision may be granted probation only in the unusual case
27 where the interests of justice would best be served. When probation
28 is granted under this paragraph, the court shall specify on the record
29 and shall enter into the minutes the circumstances indicating that
30 the interests of justice would best be served by the disposition.

31 (5) Any person who has ever been adjudicated a sexually violent
32 predator, as defined in Section 6600 of the Welfare and Institutions
33 Code, and who fails to verify his or her registration every 90 days
34 as required pursuant to subparagraph (E) of paragraph (1) of
35 subdivision (a), shall be punished by imprisonment in the state
36 prison, or in a county jail not exceeding one year.

37 (6) Except as otherwise provided in paragraph (5), any person
38 who is required to register or reregister pursuant to clause (i) of
39 subparagraph (C) of paragraph (1) of subdivision (a) and willfully
40 fails to comply with the requirement that he or she reregister no

1 less than every 30 days is guilty of a misdemeanor and shall be
2 punished by imprisonment in a county jail at least 30 days, but not
3 exceeding six months. A person who willfully fails to comply with
4 the requirement that he or she reregister no less than every 30 days
5 shall not be charged with this violation more often than once for
6 a failure to register in any period of 90 days. Any person who
7 willfully commits a third or subsequent violation of the
8 requirements of subparagraph (C) of paragraph (1) of subdivision
9 (a) that he or she reregister no less than every 30 days shall be
10 punished in accordance with either paragraph (1) or (2) of this
11 subdivision.

12 (7) Any person who fails to provide proof of residence as
13 required by subparagraph (E) of paragraph (2) of subdivision (e),
14 regardless of the offense upon which the duty to register is based,
15 is guilty of a misdemeanor punishable by imprisonment in a county
16 jail not exceeding six months.

17 (8) Any person who is required to register under this section
18 who willfully violates any requirement of this section is guilty of
19 a continuing offense as to each requirement he or she violated.

20 (9) In addition to any other penalty imposed under this
21 subdivision, the failure to provide information required on
22 registration and reregistration forms of the Department of Justice,
23 or the provision of false information, is a crime punishable by
24 imprisonment in a county jail for a period not exceeding one year.

25 (h) Whenever any person is released on parole or probation and
26 is required to register under this section but fails to do so within
27 the time prescribed, the parole authority, the Youthful Offender
28 Parole Board, or the court, as the case may be, shall order the
29 parole or probation of the person revoked. For purposes of this
30 subdivision, "parole authority" has the same meaning as described
31 in Section 3000.

32 (i) Except as otherwise provided by law, the statements,
33 photographs, and fingerprints required by this section shall not be
34 open to inspection by the public or by any person other than a
35 regularly employed peace officer or other law enforcement officer.

36 (j) In any case in which a person who would be required to
37 register pursuant to this section for a felony conviction is to be
38 temporarily sent outside the institution where he or she is confined
39 on any assignment within a city or county including firefighting,
40 disaster control, or of whatever nature the assignment may be, the

1 local law enforcement agency having jurisdiction over the place
2 or places where the assignment shall occur shall be notified within
3 a reasonable time prior to removal from the institution. This
4 subdivision shall not apply to any person who is temporarily
5 released under guard from the institution where he or she is
6 confined.

7 (k) As used in this section, “mentally disordered sex offender”
8 includes any person who has been determined to be a sexual
9 psychopath or a mentally disordered sex offender under any
10 provision which, on or before January 1, 1976, was contained in
11 Division 6 (commencing with Section 6000) of the Welfare and
12 Institutions Code.

13 (l) (1) Every person who, prior to January 1, 1997, is required
14 to register under this section, shall be notified whenever he or she
15 next reregisters of the reduction of the registration period from 14
16 to 5 working days. This notice shall be provided in writing by the
17 registering agency or agencies. Failure to receive this notification
18 shall be a defense against the penalties prescribed by subdivision
19 (g) if the person did register within 14 days.

20 (2) Every person who, as a sexually violent predator, as defined
21 in Section 6600 of the Welfare and Institutions Code, is required
22 to verify his or her registration every 90 days, shall be notified
23 wherever he or she next registers of his or her increased registration
24 obligations. This notice shall be provided in writing by the
25 registering agency or agencies. Failure to receive this notice shall
26 be a defense against the penalties prescribed by paragraph (5) of
27 subdivision (g).

28 (m) The registration provisions of this section are applicable to
29 every person described in this section, without regard to when his
30 or her crime or crimes were committed or his or her duty to register
31 pursuant to this section arose, and to every offense described in
32 this section, regardless of when it was committed.

33 SEC. 2. Section 290.95 of the Penal Code is amended to read:

34 290.95. (a) Every person required to register under Section
35 290, who applies or accepts a position as an employee or volunteer
36 with any person, group, or organization, where the registrant would
37 be working directly and in an unaccompanied setting with minor
38 children on more than an incidental and occasional basis or have
39 supervision or disciplinary power over minor children, shall

1 disclose his or her status as a registrant, upon application or
2 acceptance of a position, to that person, group, or organization.

3 (b) No person who is required to register under Section 290
4 because of a conviction for a crime where the victim was a minor
5 under 16 years of age shall be an *employer, or an* employee or act
6 as a volunteer with any person, group, or organization where the
7 registrant would be working directly and in an unaccompanied
8 setting with minor children on more than an incidental and
9 occasional basis or have supervision or disciplinary power over
10 minor children.

11 (c) A violation of this section is a misdemeanor punishable by
12 imprisonment in a county jail for not exceeding six months, by a
13 fine not exceeding one thousand dollars (\$1,000), or by both that
14 imprisonment and fine, and a violation of this section shall not
15 constitute a continuing offense.

16 SEC. 3. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.